

**Notice of Allowability**

Application No.

10/020,031

Examiner

Dennis Rosario

Applicant(s)

GALLAGHER ET AL.

Art Unit

2621

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amt. 10/6/2005.
2. ☒ The allowed claim(s) is/are 2-15, 17, 18, 20-26 and 28-32.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 12/7/2005, 2/10/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Luke Walker, Registration No. 30,700 on 12/21/2005 and 12/22/2005.

The application has been amended as follows:

Claim 17, last four lines delete

"wherein the particular material is selected from the group consisting of flesh, faces, sky, and vegetation and the sharpening parameter conditions the amount of sharpening upon a characteristic of the belief values in the belief map that represent the selected material." and

insert --wherein the belief values are grouped spatially into different sized regions of similar belief values and the sharpening parameter is proportional to the size of at least one of the regions.--.

Claim 18, line 3: delete "the selected material" and insert --a selected material--.

Cancel claim 19.

Claim 24, last four lines delete

"wherein the particular material is selected from the group consisting of flesh, faces, sky, and vegetation and the sharpening parameter conditions the amount of sharpening upon a characteristic of the belief values in the belief map that represent the selected material." and

insert --wherein the belief values are grouped spatially into different sized regions of similar belief values and the sharpening parameter is proportional to the size of at least one of the regions.--.

Claim 25, line 2: delete "improvement parameter" and insert --sharpening parameter--.

Claim 26, line 2: delete "improvement parameter" and insert --sharpening parameter--.

Cancel claim 27.

Claim 26, line 2: delete "improvement parameter" and insert --sharpening parameter--.

### ***Response to Amendment***

2. The amendment was received on October 6, 2005. Claims 2-15,17,18,20-26 and 28-32 are pending based on the examiner's amendment, above.

### ***Double Patenting***

3. Due to the examiner's amendment, the double patenting rejection of claims 1-5,16,20,21 and 22 under US Patent 6,891,977 B2 is withdrawn.

***Specification***

4. Due to the amendment, the objection to the specification is withdrawn.

***Claim Rejections - 35 USC § 101***

5. Due to the amendment, the rejection of claim 15 is withdrawn.

***Allowable Subject Matter***

6. Claims 2-15,17,18,20-26 and 28-32 are allowed.
7. The following is an examiner's statement of reasons for allowance:

Claims 11,17,20 and 24 are allowed for the same reasons as claim 11 of a previous office action of 6/15/2005 all of which is incorporated herein. Hence, respective dependent claims are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Rosario whose telephone number is (571) 272-7397. The examiner can normally be reached on 6-3.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on (571) 272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DR

Dennis Rosario  
Unit 2621



**BRIAN WERNER**  
**PRIMARY EXAMINER**